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SUBJECT: BERISHA SEEKS NEW SECRET POLICE

Classified By: Ambassador John L. Withers II for reasons 1.4 (c) and (d)  
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¶1. (S//NF) In early January, Prime Minister Berisha introduced a new draft bill to amend the law on the National Intelligence Service (SHISH). In essence, the aim of the law is to limit the foreign intelligence responsibilities of the SHISH, increase its domestic intelligence responsibilities into clearly law enforcement functions, and increase the institution's dependence on the Prime Minister. While there has been some public outcry over the limiting of the SHISH Director's term and likely removal of current director Bahri Shaqiri, there has otherwise been little public discussion of this very disturbing law. The service as proposed in the draft law could become a political tool for Berisha or any future PM to intimidate and crush political rivals. The changes will also impede cooperation with foreign intelligence services (including our own) and damage international confidence in Albania's ability to monitor any Guantanamo detainees it has already received or has accepted to receive in the future. The head of the Parliamentary committee on national security has told Post that the law will likely be discussed in Parliament in February, which leaves little time for the international community to weigh in and convince the Berisha government of the damage such a law would cause to its Euro-Atlantic Integration. Embassy as well as EU legal experts have also reviewed the law and expressed serious concerns over the law's potential for abuse. End Summary.

#### A HISTORY OF BAD BLOOD

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¶2. (C) This is not the first time the Berisha government has tried to bring the SHISH under his thumb and give it a domestic spying role. Yet SHISH has so far been one of the only Albanian institutions that have been able to maintain their independence, although at the cost of increasing animosity between the SHISH and the PM. In 2005, Berisha proposed a law to merge the SHISH into the Ministry of Interior, but backed down after intense international opposition. In 2006, Berisha mounted a very public, but ultimately unsuccessful campaign to dismiss SHISH Director Shaqiri, with whom Berisha has very poor relations. According to sources, while by law the SHISH Director is currently supposed to brief the Prime Minister at least once a year, Shaqiri and Berisha have not met face to face for years and Shaqiri simply forwards a written annual brief to the PM. After these failed attempts to reign in Shaqiri, Berisha has most recently tried to erode the power of the SHISH by giving other agencies wiretapping capabilities and eavesdropping rights or by cutting funding for SHISH.

ALBANIA'S NEW SECRET POLICE

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¶3. (SBU) First, the current draft law seeks to divert SHISH activities into domestic law enforcement and domestic spying. Specifically, the amendment gives SHISH the responsibility of "supporting the activities of the police force and other law enforcement agencies in preventing serious crimes." SHISH will be given the additional responsibilities of collecting information on human trafficking, arms trafficking, contraband, money laundering, and - most troubling - on "corruption by persons in public office." While the previous law allowed the SHISH to collect information on organized crime that threatened national security, the new law removes the need to consider national security and expands organized crime functions to include recognition, detection and prevention. In conclusion, the new law gives the SHISH the vague responsibility of defending national security from "any actions that aim to overthrow the system of parliamentary democracy."

¶4. (SBU) The amendment adds several other vague responsibilities, such as "certifying persons according to legal criteria," and "guaranteeing the implementation of agreements signed with third parties."

¶5. (SBU) These roles are in clear contradiction of Council of Europe Guidelines on the Control of Internal Security Services (April 1999) and could endanger Albania's visa liberalization with the European Union and Albania's candidate status in the EU. (Note: So far, European embassies have been surprisingly silent, although we have expressed to them our concerns, and the EU legal assistance

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mission has conducted its own highly critical review of the law. End Note). Moreover, the amendments would allow Berisha to use the SHISH to spy on domestic political rivals and blackmail any politician. Information collected could also be used for bribery or extortion.

BRINGING SHISH UNDER BERISHA'S THUMB  
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¶6. (SBU) The amendment also severely decreases SHISH's independence from the Prime Minister. The SHISH Director will be limited to 5 year terms and can only serve two terms. Further, while previously the SHISH director briefed the PM and President separately once a year, now the SHISH will only brief the PM and must brief him "at any time on any issue tied to his activities."

¶7. (SBU) The law also severely decreases SHISH's ability to conduct foreign intelligence and counter-intelligence. Mention of SHISH's responsibility "to collect information from outside the country" is completely removed, as is the responsibility "to conduct activities of counter-intelligence" and to collect information on weapons of mass destruction. Moreover, SHISH will now only be able to cooperate with foreign intelligence services "with the approval of the Prime Minister." It should be noted that in Albanian legal culture, laws define what can be done, as opposed to what cannot be done, as in U.S. legal culture. Hence, the removal of these sections from law is in essence a ban on these activities by SHISH.

COMMENT  
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¶8. (S//NF) In a January 27 meeting with Ambassador Withers, President Topi also expressed his deep concern with the draft law, saying the intel service envisioned in the bill reminds Topi of the much-feared communist era Sigurimi. Sources have confirmed that Berisha's clear intention with the draft is to assert control over one of the few remaining GOA institutions that has so far eluded his direct control. They have also confirmed that the current SHISH Director Shaqiri, a

friend to the USG and a professional, will likely be removed and replaced with a Berisha crony - something that could happen within a matter of days. This will cause a ripple effect where much of the SHISH staff, many of whom have received U.S. training, will be replaced by political hacks with little intelligence experience. Others have also noted the close ties between Shaqiri and Prosecutor General Ina Rama, another public official who has challenged Berisha's institutional attacks. They believe if Shaqiri is dismissed, Rama will also likely resign.

19. (C) Leonard Demi, chair of the Parliamentary committee on national security, has told Post that his committee has not yet received the draft bill, but will receive it shortly and likely discuss and seek to pass the law during February. This leaves a matter of days for the international community to weigh in and warn the Albanian government of the dangers of this law.

WITHERS